

RUDOLPH LAW FIRM

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**Proposed Special Counsel for Plaintiff Gerald H. Davis,
Chapter 7 Trustee**

UNITED STATES BANKRUPTCY COURT

SOUTHERN DISTRICT OF CALIFORNIA

In re

STEEL FRAME BUILDING SYSTEMS, INC.,)

Debtor

Case No. 07-06112-A7

Adv. Proc. No. 09-90417-LA

GERALD H. DAVIS, TRUSTEE,)

Plaintiff

**DECLARATION OF DISINTEREST OF
SHIRLYN DADDARIO IN SUPPORT
OF EX PARTE APPLICATION FOR
AUTHORITY TO RETAIN SPECIAL
COUNSEL**

v.)

**THE ASHLEY 1989 TRUST UNDER
DECLARATION OF TRUST DATED
AUGUST 11, 1989, MELANIE JOY KELLY,
SUCCESSOR TRUSTEE; JAMES L. DALEY,
an individual; JULIA LYNN KIRBY,
an individual; SHAWN SETTERBERG,
an individual; and MICHELLE SETTERBERG,
an individual,)**

Defendants.)

**Declaration of Disinterest of Shirlyn Daddario in Support of *Ex Parte* Application for
Authority to Retain Special Counsel**

1 I, Shirlyn Daddario, say and declare as follows:

2 1. I am an attorney duly licensed to practice in all court courts of this state. I have personal
3 knowledge of the following based upon my participation in the relevant events, and my review of the
4 files and records herein. If called, I could and would competently testify to the following based upon
5 my personal knowledge.

6 2. I am an attorney practicing in complex litigation in the State of California and United
7 States District Courts. I am the principal of the Law Offices of Shirlyn Daddario (the "Firm"), proposed
8 Special Counsel for Trustee Gerald H. Davis. I am currently handling cases for clients in the
9 Bankruptcy Courts of the Southern, Central and Eastern Divisions. My qualifications are set forth in
10 my resume which is attached as Exhibit "A".

11 3. I believe that all members of my firm are disinterested with respect to the underlying
12 Chapter 7 Bankruptcy, the Adversary action brought by Trustee Gerald H. Davis and the estate as defied
13 in 11 U.S.C. §101(14). No member of the Firm is a creditor, equity security holder or insider of the
14 Debtor, Steel Frame Building Systems, Inc., nor has any interest in the affairs or business of the Trustee
15 herein, Gerald H. Davis. No member of the Firm is or has been within two years prior to the filing of
16 the Chapter 7 petition, a director, officer or employee of either the Debtor, Steel Frame Building
17 Systems, the Office of the United States Trustee or affiliated in such a position with Trustee Gerald H.
18 Davis.

19 4. No member of the Firm has an interest materially adverse to the interests of Trustee
20 Gerald H. Davis or the estate or of any class of creditors or equity security holders. The Firm does not
21 represent any interest adverse to Trustee Davis of the Trustee's estate.

22 5. The Firm has received no retainer and has received no compensation, prepetition or post-
23 petition from the Trustee or the estate.

24 6. The written fee agreement between Trustee Davis and the Firm s attached as Exhibit "B".

25 7. The hourly rates charged by the Firm in this Chapter 7 representation of Trustee Davis
26 are as follows:

27 ///

28
Declaration of Disinterest of Shirlyn Daddario in Support of *Ex Parte* Application for
Authority to Retain Special Counsel

- Shirlyn Daddario \$250.00
- Law Clerk \$ 90.00
- Paralegal \$ 75.00

8. The hourly rates of the Firm are subject to change after notification to Trustee Gerald H. Davis, and approval by the Court.

I declare under penalty of perjury the foregoing is true and correct. Executed on April 16, 2010
at San Diego California.



Shirlyn Daddario

Exhibit A

SHIRLYN DADDARIO



General Counsel Shirlyn Daddario has over 23 years experience as a successful litigator and trial attorney in tort and contract litigation, specializing in geotechnical engineering construction defect and construction contract litigation. Ms. Daddario has been General Counsel of Geocon Incorporated, Geocon Consultants, Inc., Geocon Inland Empire and the affiliated Geocon Group entities for more nearly nineteen years. She has successfully defended and prosecuted numerous cases both for Geocon and other construction related companies. Ms. Daddario has been a speaker and presenter at the national convention of the Defense Research Institute and a lecturer in Civil Procedure and Evidence at the UCSD Paralegal program. She has also been a Barrister and Instructor at the Holmes Inns of Court, Louis M. Welch Inns of Court and Enright Inns of Court and is the author of several published California Supreme Court and Appellate Court decisions. As a result of the downturn in the economy, Ms. Daddario has also been advocating the rights of her litigation clients in the Southern and Central Bankruptcy Courts.

PRACTICE AREAS:

Civil Litigation
Construction Litigation
Professional Liability and Insurance Defense

EDUCATION:

California Western States University School of Law
San Diego State University

PROFESSIONAL AFFILIATIONS:

Member, San Diego County Bar Association (Construction Law Section)
Member, California State Bar (Civil Litigation, Employment and Construction Law Sections)
Member, Defense Research Institute
Member, Association of Trial Lawyers of America
Participant Member, CELSOC Attorney Roundtable
Member, UCSD Paralegal Advisory Committee

PUBLICATIONS/ SUPREME COURT AND APPELLATE COURT DECISIONS:

TSI Seismic Tenant Space, Inc. v. Superior Court (2007) 149 Cal.App.4th 159
Lucas v. George T. R. Murai Farms, Inc. (1993) 15 Cal.App.4th 1578
Lucas v. Pollock (1992) 7 Cal.App.4th 668
Boisclair [Pala Band of Mission Indians] v. Superior Court (1990) 51 Cal.3d 1140
Morin v. ABA Recovery Service, Inc. (1987) 195 Cal.App.3d 200
Standing on Shaky Ground? -- A Primer On the Defense of Foundation, Site Work and Geotechnical Claims, DRI Defense Research Institute, 2007